

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:23-cv-865-RJC-DCK

TERRY HUGHES,)	
)	
Plaintiff,)	
)	
vs.)	
)	<u>ORDER</u>
MMR CONTRACTORS, et al.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on *sua sponte* review of the record.

Plaintiff, proceeding *pro se*, filed this employment discrimination action on December 18, 2023. [Doc. 1]. Along with the Complaint, the Plaintiff filed an Application to Proceed in District Court without Prepaying Fees or Costs that failed to demonstrate that the Plaintiff should be granted leave to proceed *in forma pauperis*. [Doc. 2]. On January 8, 2024, the Court entered an Order denying the Application without prejudice for Plaintiff to either pay the filing fee or file an amended Application within 21 days. [Doc. 3]. Plaintiff was cautioned that, “[i]f Plaintiff fails to comply with this Order, the Complaint will be dismissed without prejudice and this case will be closed without further notice.” [Id. at 3].

Plaintiff has not paid the filing fee or filed an amended Application and the time to do so has now expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's January 8, 2024 Order.
2. The Clerk of this Court is directed to close this case.

Signed: February 28, 2024



Robert J. Conrad, Jr.
United States District Judge

